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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,658	01/08/2002	Brian Carl Stanz	3601-58	6991
22442	7590	11/03/2005	EXAMINER	
SHERIDAN ROSS PC 1560 BROADWAY SUITE 1200 DENVER, CO 80202			LERNER, MARTIN	
			ART UNIT	PAPER NUMBER
			2654	

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/042,658

Applicant(s)

STANZ ET AL.

Examiner

Martin Lerner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 to 29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 to 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3 to 6, 9 to 14, 18 to 22, and 24 to 29 are rejected under 35 U.S.C. 102(b) as being anticipated by *Malcolm*.

Regarding independent claim 1, *Malcolm* discloses a method for supporting multilingual translations, comprising:

“developing as part of a computer program at least a first record containing source text in a first natural language” – pseudo-code for aiding translation of a language dependent file 70 into another language dependent file 100 suitable for a particular language to be supported is provided (column 9, lines 55 to 67: Table 2: Figure 4); English is “a first natural language”;

“recording an event related to said at least a first record” – a change log file 140 is generated to track and log changes made during development by comparing a current version of language dependent file 70 with a previous version of language dependent file 136 (column 10, line 16 to column 11, line 25: Table 3: Figure 4);

“recording a status of a translation of said first record into a second natural language, wherein said first record containing source text is not a finalized version of

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said source text” – a log entry has a date and time of changes, and whether a file string is “Change” or “New” (“recording a status of a translation”) (column 11, lines 10 to 20: Table 3: Figure 4); language dependent file 100 is in German, “a second natural language”; program code is generated for a pre-release version before the final product (“is not a finalized version of said source text”) (column 10, lines 16 to 56: Figure 4);

“wherein said at least a first record containing source text in a first natural language is displayed to a translator as said first record containing source text in a first natural language will be seen by a user of said computer program” – Case 1 and Case 2 of Figure 5 show how records for both a US Language file (“source text in a first natural language”) and a German Language file are displayed to a person responsible for translating the language specific portion; subscreens and panels are dynamically generated (column 2, line 55 to column 3, line 1; column 4, lines 58 to 63); the application program will operate, and present a consistent user interface, to an end user for any language (column 9, lines 26 to 28); thus, a person responsible for translating (“a translator”) has a dynamically generated display of both pre-release versions and a final product (“as it will be seen by a user of said computer program”).

Regarding independent claim 14, *Malcolm* discloses a system for supporting multilingual translations, comprising:

“a processor” – processor 11 (column 3, line 67 to column 4, line 4: Figures 1 and 2);

“a storage device” – file storage means 30 and storage means 35 (column 4, lines 16 to 24; column 4, lines 55 to 63: Figures 1 and 2);

“an output device” – display manager 14 drives display 10 (column 3, line 57 to column 4, line 4: Figures 1 and 2);

“software comprising: at least a first status table comprising a record of changes to portions of text written in a first natural language and included in a source computer program from a previous version of said source computer program to a current version of said source computer program, and a record of translations of said portions of text written in said first natural language and included in said current version of said source computer program to a second natural language” – pseudo-code (“software”) for aiding translation of a language dependent file 70 into another language dependent file 100 suitable for a particular language to be supported is provided (column 9, lines 55 to 67: Table 2: Figure 4); English is “a first natural language” and language dependent file 100 is in German, “a second natural language”; a change log file 140 (“a first status table comprising a record of changes”) is generated to track and log changes made during development by comparing a current version of language dependent file 70 with a previous version of language dependent file 136 (column 10, line 16 to column 11, line 25: Table 3: Figure 4); a log entry has a date and time of changes, and whether a file string is “Change” or “New” (“a record of changes”) (column 11, lines 10 to 20: Table 3: Figure 4);

“a translation tool work sheet, comprising: a first edit box, wherein at least a first of said portions of text written in said first natural language and included in said current

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version of said computer program” – screen panels are provided for a source file 40 as sample panel 80, or as English language panel 88 (column 5, lines 1 to 43: Figures 4 and 5);

“a second edit box, wherein a translation of said at least a first of said portions of text written in said first natural language and displayed in said first edit box into a second natural language can be entered, wherein said translation of said at least a first of said portions of text into a second natural language is stored as part of a target computer program” – translation of language dependent file 70 results in a corresponding file 100 into a German language; language dependent file 100 serves as input to panel-formatter subsystem 108, and is displayed as panel 120 (column 6, lines 25 to 60: Figures 4 and 5);

“wherein said at least a first portion of text written in said first natural language and said at least a first portion of text into said second natural language are displayed to a translator in a context that would be seen by an end user of said computer program” – Case 1 and Case 2 of Figure 5 show how records for both a US Language file (“first portion of text written in said first natural language”) and German Language file (“said at least a first portion of text into said second natural language”) are displayed to a person responsible for translating the language specific portion; subscreens and panels are dynamically generated (column 2, line 55 to column 3, line 1; column 4, lines 58 to 63); the application program will operate, and present a consistent user interface, to an end user for any language (column 9, lines 26 to 28); thus, a person responsible for translating (“a translator”) has a dynamically generated display of both pre-release

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versions and a final product (“in a context that would be seen by an end user of said computer program”).

Regarding independent claims 18 and 25, *Malcolm* discloses a method for supporting multilingual translations, comprising:

“writing a first iteration of a source software program, wherein said source software program comprises at least a first component written in a first natural language” – language dependent file 70 is written in English (column 9, lines 55 to 60: Figures 4 and 5); object code file 32 defines screen panels for an application entering customer data for transactions (“a source software program”) (column 4, lines 55 to 58: Figures 3a to 3c and Figure 4);

“determining a translation status of said at least a first component with respect to at least a second natural language” – pseudo-code for aiding translation of a language dependent file 70 into another language dependent file 100 suitable for a particular language to be supported is provided (column 9, lines 55 to 67: Table 2: Figure 4); English is “a first natural language”, and language dependent file 100 is in German, “a second natural language”; a change log file 140 is generated to track and log changes made during development by comparing a current version of language dependent file 70 with a previous version of language dependent file 136 (“determining a translation status”) (column 10, line 16 to column 11, line 25: Table 3: Figure 4);

“translating said at least a first component of said source software program into a second natural language, wherein said translated first component is part of a target

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software program” – pseudo-code (“software”) for aiding translation of a language dependent file 70 into another language dependent file 100 suitable for a particular language to be supported is provided (column 9, lines 55 to 67: Table 2: Figure 4); English is “a first natural language”; language dependent file 100 is in German, “a second natural language”;

“updating a translation status of said at least a first component with response to said second natural language” – a log entry creates a log entry of a date and time of changes, and whether a file string is “Change” or “New” (column 11, lines 10 to 20: Table 3: Figure 4);

“displaying said at least a first component of said software translated into said second language in the context of said first component’s usage in said target software program” – translation of language dependent file 70 results in a corresponding file 100 in a German language (“translated into said second language”); language dependent file 100 serves as input to panel-formatter subsystem 108, and is displayed as panel 120 (column 6, lines 25 to 60: Figures 4 and 5); Case 1 and Case 2 of Figure 5 show how records for both a US Language file and German Language file (“said target software program”) are displayed; subscreens and panels are dynamically generated (column 2, line 55 to column 3, line 1; column 4, lines 58 to 63);

“after said step of translating, preparing a second iteration of said software program, wherein a component of said software program written in said first natural language is at least one of written and edited” – changes in a software development cycle pass through various stages prior to the end product (column 10, lines 16 to 56); a

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log entry creates a date and time of changes, and whether a file string is "Change" or "New" (column 11, lines 10 to 20: Table 3: Figure 4); thus, iterative changes to software in development are provided, and status of a text string is entered in change log file 140 as "Change" or "New" (column 11, lines 10 to 20: Table 3: Figure 4).

Regarding claims 3 to 6, 21 to 22, and 26 to 28, *Malcolm* discloses changes in a software development cycle pass through various stages prior to the end product (column 10, lines 16 to 56); a log entry creates a log entry of a date and time of changes, and whether a file string is "Change" or "New" (column 11, lines 10 to 20: Table 3: Figure 4); thus, changes ("revisions") are recorded ("updated") in change log file 140.

Regarding claims 9 to 12, 19 to 20, 24, and 29, *Malcolm* discloses screen panels are provided for a source file 40 as sample panel 80, or as English language panel 88 (column 5, lines 1 to 43: Figures 4 and 5); translation of language dependent file 70 results in a corresponding file 100 into a German language; language dependent file 100 serves an input to panel-formatter subsystem 108, and is displayed as panel 120 (column 6, lines 25 to 60: Figures 4 and 5); implicitly, panel-formatter subsystem 108 displays screen panels simultaneously.

Regarding claim 13, *Malcolm* discloses pseudo-code for checking if a string is new or if it has not been flagged ("querying said status") (column 11, lines 16 to 24: Table 3).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 7, 8, 15 to 17, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Malcolm* in view of *Lakritz*.

Concerning claims 2, 7, 8, and 23, *Malcolm* discloses all of the limitations of translating, recording a status, detecting revisions, updating, retranslating, and displaying, omitting only "a third natural language". However, it is quite common for language translation software to provide for translation between more than two languages. Specifically, *Lakritz* teaches a translation management system for translating HTML documents into a list of languages. (Column 5, Lines 27 to 62: Figure 12) The objective is to provide translation services that are instantly available to a user as automated translation tools to incrementally update the language content of a web site. (Column 2, Lines 10 to 39) It would have been obvious to one having ordinary skill in the art to provide translation services between at least three natural languages as suggested by *Lakritz* in the method and system to support automated translations of *Malcolm* for the purpose of incrementally updating language content of a web site.

Concerning claims 15 to 17, *Lakritz* teaches a manager's console provides "one touch" translation at the click of a button ("a user input device"), and coordinates quality level and completion (column 8, lines 4 to 40: Figure 7).

Response to Arguments

5. Applicants' argument filed 07 October 2005 has been fully considered but is not persuasive.

Applicants' argument is that *Malcolm* fails to disclose displaying first language text to a translator in the context that the first language text will be seen by an end user of the computer program. Applicants maintain that missing this step creates a possibility that the translator will mis-translate something because he/she was not aware of the context in which the word to be translated was to be used. Applicants say this increases the amount of time spent translating a given piece of text or creates the possibility that a mistranslated product will be delivered to market. Applicants state that *Malcolm* discloses a method of translating where the translation occurs only on the source code and the translator does not have the first record in a context of the user interface or displayed output of the computer program. This is not convincing.

Applicants' argument assumes that *Malcolm* only displays updates to translation status to translators, and never displays translations to a translator in a final form as they would appear to an end user, but that is a mischaracterization of *Malcolm*. Because *Malcolm* generates subscreens, subwindows, or subpanels dynamically, a translator is presented with displays of both pre-release versions and final versions of any program or text. *Malcolm* expressly states, "The application program will operate, and present a consistent user interface, to an end user for any language having a language dependent file." (Column 9, Lines 26 to 28) Moreover, *Malcolm* discloses

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dynamic generation of subscreens to a person responsible for translating a language specific portion into a subsequent language. (Column 2, Line 55 to Column 3, Line 1; Column 4, Lines 58 to 63) Furthermore, common sense of one having ordinary skill in the art would suggest that an iterative process for creating a translated program must eventually produce a final product. At some point, a translator's display of dynamically generated subscreens must produce a final product, implicitly, as a translator looking at dynamically generated subscreens will at some point determine that the translation is correct and that the product is in its final form. Thus, *Malcolm* must necessarily display a program or text to a translator as it will appear in its final form to an end user.

Applicants' statement of unexpected results, *i.e.* that missing the step of displaying translated text as it will be seen by an end user creates a possibility of mis-translation, increases the amount of time spent translating, and creates a possibility of a mistranslated product, is moot because *Malcolm* performs that step. *Malcolm* displays a program or text to a translator both in its pre-released and finalized versions precisely to assist a translator in creating an accurately translated final product.

Also, Applicants argue that *Malcolm* does not disclose displaying a component of translated software into a second language in a context of the component's usage in said target software program.

However, *Malcolm* does perform the step of displaying a component of translated software into a second language in a context of usage, as shown in Figure 5. Where an English Language file (Case 1) is translated into a German Language file (Case 2), both screens are displayed to a translator. Thus, a translator looking at corresponding

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screens for English and German programs for a context involving a financial transaction can clearly see that the term "Amount" corresponds to the term "Summe". A translator can then ensure that a German term "Summe" has a correct idiomatic sense and grammatical usage as a translation of an English term "Amount" in a context of a financial transaction.

Therefore, the rejections of claims 1, 3 to 6, 9 to 14, 18 to 22, and 24 to 29 under 35 U.S.C. 102(b) as being anticipated by *Malcolm*, and of claims 2, 7, 8, 15 to 17, and 23 under 35 U.S.C. 103(a) as being unpatentable over *Malcolm* in view of *Lakritz*, are proper.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

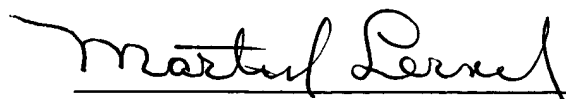
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin Lerner whose telephone number is (571) 272-7608. The examiner can normally be reached on 8:30 AM to 6:00 PM Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML
5/31/05

A handwritten signature in cursive script, reading "Martin Lerner", written in black ink.

Martin Lerner
Examiner
Group Art Unit 2654